

## **Probate Notes for April 1, 2010**

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, please contact the civil division at (530) 406-6704. If you have questions, you may contact the probate examiner at (530) 406-6802 between the hours of 2 and 4 p.m.

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**CASE: LPS Conservatorship of Robert Pieretti**  
**Case No. CV PB 06-42**

It is recommended to approve the fourth report of the conservator and to grant the petition for reappointment of the conservator of the person.

**CASE: Estate of Peter Robert Neves**  
**Case No. CV P2 10-38**

It is recommended to grant the unopposed spousal property petition. Appearance is not required.

**CASE: Estate of Alan Paul Sloma**  
**Case No. CV PB 09-160**

It is recommended that the Court deny without prejudice the petition to determine ownership of estate property and for order authorizing and directing the Administrator of Novozymes North America, Inc.'s 401(k) Thrift Plan to transfer Alan Paul Sloma's interest in a 401(k) account to the Executor.

A Probate Code section 850 petition must set forth facts upon which the claim is based. (Prob. Code, § 850, subd. (b).) The facts presented in the verified petition are insufficient for the Court to grant the relief requested. Paragraph 6 of the decedent's will directs the Executor to collect funds from any 401(k) account that is payable directly to the decedent's son and to deposit such funds in a Uniform Transfer to Minors Act account for the son. The Executor did not submit any evidence to show that the decedent's 401(k) account is payable directly to the decedent's son. The verified petition states that the Executor believes that the estate is entitled to receive the funds in the 401(k) account at issue. The Executor does not state the factual basis supporting her belief.